IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1396 OF 2007

Dhiraj B. Damania. ..Applicant.

Versus

1.The State of Maharashtra, &
2.Mukesh Nandlal Shah. ..Respondents.

..

Mr.Amol Patankar, Adv. for the Applicant.
Mrs.A.S.Pai, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : OCTOBER 25, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant-orig.accused and the learned APP for the State. None appears for Respondent No.2, though served.

2. In C.C No.1450/SS/2005 by judgment and order dated 8.9.2006 the applicant-orig.accused has been convicted by the learned SMM and Small Causes Court Judge, under Section 138 of the N.I. Act. The applicant was directed to suffer S.I. for eight months and to pay fine of Rs.10 lacs. Out of the said fine amount, Rs.10,000/- was to be paid to the complainant as compensation. Being aggrieved by the said judgment and order the

applicant preferred an appeal before the Sessions Court. The Sessions Court directed the applicant to deposit an amount of Rs.5 lacs as a condition precedent to hear the appeal. The applicant thereafter preferred an application before the Sessions Court for reduction of the said amount. However, the said application came to be rejected. The Appeal is now fixed on 23rd November, 2007 before the Sessions Court.

3. The learned Advocate for the applicant has submitted that due to the financial condition of the applicant, he is unable to deposit Rs.5 lacs, however, the applicant shall deposit an amount of Rs.2,50,000/- by 22nd November, 2007.

4. Looking to all the facts and circumstances, the amount of Rs.5 lacs is reduced to Rs.2,50,000/- (Rs.Two Lac and Fifty Thousand Only). The said amount is to be deposited before the Sessions Court by 22nd November,2007. If the said amount is deposited by 22nd November, 2007, the learned Sessions Judge shall dispose of the Appeal in accordance with law.

5. Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)